

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**ROBERT L. COGAR,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:08 CV 124  
(Maxwell)**

**COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

**ORDER**

On November 17, 2009, Magistrate Judge John S. Kaull filed his Report and Recommendation in the above-styled matter wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. Plaintiff filed his objections on November 29, 2009, and Defendant responded on December 7, 2009. This matter now appears ripe for review.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised in the parties' cross Motions for Summary Judgment were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. The Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the proposed Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Moreover, upon consideration of the Plaintiff's objections, the Court finds that the Plaintiff has not raised any issues that were not thoroughly and properly considered by the Magistrate Judge in his Report and Recommendation. As more fully set forth in the Magistrate Judge's Report and Recommendation, the Court finds that the Commissioner's decision

that Plaintiff is not disabled within the meaning of the Act is supported by substantial evidence. Therefore, it is

**ORDERED** that Magistrate Judge Kaul's Report and Recommendation be, and the same hereby is, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly,

1. The Defendant's Motion for Summary Judgment is **GRANTED**;
2. The Plaintiff's Motion for Summary Judgment is **DENIED**;
3. The decision for the Defendant is **AFFIRMED**; and
4. This civil action is **DISMISSED** and **RETIRED** from the docket of this Court.

The Clerk of Court is directed to enter a separate judgment order and to send a copy of this Order to all counsel of record.

**ENTER:** January 19, 2010

/s/ Robert E. Maxwell  
United States District Judge